

Message Text

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PAGE 01 CANBER 01807 290804 Z

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ACTION L-03

INFO OCT-01 EA-11 ADP-00 SCA-01 JUSE-00 RSR-01 RSC-01 /018 W
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R 290711 Z MAR 73
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 0637

UNCLAS CANBERRA 1807

E. O. 11652 : N/ A
TAGS: SOCI, AS
SUBJ: EXTRADITION TREATY

REF: A) STATE 32105 B) CANBERRA 2598

1. EMBASSY MADE APPROACH SUGGESTED FINAL PARA REF A
AND ATTORNEY GENERAL'S DEPARTMENT CONFIRMED DEPART-
MENT'S SURMISE IN PARA 2 SAME TELEGRAM THAT ATTORNEY
GENERAL MURPHY UNAWARE 1972 NEGOTIATIONS AND TREATY
DURING HIS WASHINGTON VISIT.

2. EMBASSY RECEIVED FROM DEPARTMENT OF FOREIGN AFFAIRS
TODAY FOLLOWING NOTE WHICH REFERS TO DRAFT TREATY AND
TEXT OF REF A:

" THE DEPARTMENT HAS THE HONOUR TO CONFIRM THE
ADVICE ALREADY GIVEN TO THE U. S. SOLICITOR GENERAL AND
MENTIONED IN PARAGRAPH 3 OF THE ABOVEMENTIONED TELEGRAM.
THE DRAFT TREATY IS REGARDED BY THE AUSTRALIAN LAW
AUTHORITIES AS COVERING THE POINTS RAISED BY THE
AUSTRALIAN ATTORNEY- GENERAL AND THE U. S. SOLICITOR
GENERAL IN WASHINGTON EARLIER THIS YEAR.

" THE DEPARTMENT ALSO ADVISES THE EMBASSY THAT
LEGISLATION AMENDING THE EXTRADITION (FOREIGN STATES)
ACT 1966-1972 IS PRESENTLY BEFORE THE HOUSE OF
REPRESENTATIVES AND IS EXPECTED TO ENTER INTO
FORCE IN THE NEAR FUTURE. THIS LEGISLATION COVERS
THOSE ASPECTS OF THE DRAFT TREATY WHICH WERE INCLUDED
IN THE SUPPLEMENTARY TREATY ON EXTRADITION AT THE TIME
OF NEGOTIATION IN FEBRUARY 1972.

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Z IN VIEW OF THE IMMINENT PASSAGE OF THE AMENDING
LEGISLATION THE DEPARTMENT HAS THE HONOUR TO REQUEST
THE EMBASSY THAT IT TRANSMIT THE FOLLOWING PROPOSAL
TO THE UNITED STATES LAW AUTHORITIES: VIZ. THAT THE
MAIN TREATY AND THE SUPPLEMENTARY TREATY BE MERGED
INTO A SINGLE TEXT, AND THE TEXT BE SIGNED AT THE
EARLIEST OPPORTUNITY IN WASHINGTON WITH INSTRUMENTS
OF RATIFICATION BEING EXCHANGED AT THE MUTUAL CONVENIENCE
OF THE TWO GOVERNMENTS. IT IS HOPED THAT THE PROPOSAL
MEETS WITH THE APPROVAL OF THE U. S. LAW AUTHORITIES."

3. REQUEST EMBASSY BE INFORMED OF DEPARTMENT' S
DECISION.
RICE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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